



Dear Colleague

RE-ROUTING OF LOW LEVEL CONCERNS

Summary

1. This letter advises of the introduction of a new process for the re-routing for those low level concerns, that do not meet the threshold for fitness to practice, to be handled locally by Health Boards and practices.

Action

2. NHS Boards are asked to:
- note the contents of this Memorandum;
 - issue this letter to all dentists and DBsC on their dental lists.

Yours sincerely,

TOM FERRIS
Chief Dental Officer

16 December 2020

Addresses

For action

Chief Executives, NHS Boards
Directors of Dentistry, NHS Boards
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For information

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RE-ROUTING OF LOW LEVEL CONCERNS

A new process allowing for the repatriation of low level concerns to Health Boards and dental practices has been agreed by the Chief Dental Officer (CDO) in collaboration with the General Dental Council (GDC), British Dental Association (BDA), NHS National Services Scotland (NSS) and the NHS Board Directors of Dentistry.

Effective from 1 January 2021, this new system will apply to concerns raised about dentists who provide or assist with the provision of General Dental Services, in NHS or mixed private/NHS practices in relation to NHS dental care.

The new process will see the GDC returning those low level cases, which do not meet the threshold for 'fitness to practise', for consideration by Boards. Boards will forward to practices and complainants, those cases that have yet to be considered by the practice. Where local resolution has initially failed, Boards have further agreed to provide appropriate advice and support to both parties, including advocacy and mediation, referencing supporting materials including the formal NHS Scotland complaints process, 'Model Complaints Handling Procedure' and the occupational health support introduced by PCA(D)(2018)7, 'Occupational Health Support for GDPs and Practice Staff'.

Tom Ferris, the Chief Dental Officer said:

The introduction of the NHS Concerns Handling system in Scotland will mean that low level complaints are effectively dealt with and that resolution or informative explanations are provided to patients. This is a positive move that will support dental practitioners, helping them to review their performance and processes to the benefit of the practice and their patients.

Gordon Matheson, GDC Head of Scottish Affairs said:

Local complaint resolution wherever possible is an important part of our commitment to upstream regulation. Most issues are appropriately resolved locally between the patient and the dental professional and we welcome this agreement to refer low level concerns to Health Boards in Scotland. I'd like to thank the Chief Dental Officer for Scotland, the BDA and NHS Scotland for working with the GDC to make this happen.

Paul Cushley, National Services Scotland Dental Director said:

This brings minor complaints back to where they are best dealt with, which is in the dental practice. It affords the opportunity for the dental practice to make good when simple things haven't gone as well as they could or should. It's in everybody's interest to get the best possible outcome and this presents a way to quickly resolve minor issues.

David McColl, Chair of the BDA Scottish Dental Practice Committee said:

We welcome these new arrangements as a positive step towards a more efficient way of dealing with low-level concerns, and for reducing unnecessary stress on dentists.

BACKGROUND:

1. What is a low level concern?

Examples of a low level concern or complaint can be defined as follows:

- Where the registrant has failed to adequately explain the charges for treatment.
- Where the primary concern is poor communication.
- Where there is evidence of inadequate complaints handling.

2. What types of concerns will be re-routed to Health Boards and practices?

Examples of concerns previously referred directly to the GDC which will be re-routed under the new system are:

- single incident – e.g. failed filling or painful treatment
- low-level concerns over several appointments - e.g. pain on scale and polish, increased sensitivity after examination
- attitude or “rudeness” - e.g. appearing to be abrupt with a patient, not responding to a verbal complaint immediately

3. Who does this new process apply to?:

- Complaints raised about dentists who provide or assist with the provision of General Dental Services, in wholly NHS or mixed private/NHS practices in relation to NHS dental care.
- Note: Complaints involving dentists in training who are delivering care under General Dental Services, will require close working with NHS Education for Scotland.

4. New Pathway for Assessment:

The GDC will retain and continue to manage those cases demonstrating harm to a member of the public or deemed to have undermined public confidence in the profession, referring on to Health Boards those cases, failing those initial tests, but still warranting further resolution.

- Boards should forward to practices and complainants, those cases that have yet to be considered by the practice using the normal practice complaint process.
- Where the practice has not been able to resolve the concern, Boards are directed to provide appropriate advice and support to practices and complainants, including advocacy and mediation, referencing supporting materials including the formal NHS Scotland complaints process, ‘Model Complaints Handling Procedure’ and the occupational health support introduced by PCA(D)(2018)7, ‘Occupational Health Support for GDPs and Practice Staff’.
- The outcome of any investigation may also involve a referral under:
 - The National Health Service (Discipline Committees) (Scotland) Regulations 2006 and/or
 - The National Health Service (Tribunal) (Scotland) Regulations 2004 or
 - referral to the back to the GDC, as appropriate to the requirements of The National Health Service (General Dental Services) (Scotland) Regulations 2010